Before the DOCKET FILE COPY ORIGINAL
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Performance Measurements and Standards for Unbundled Network Elements and Interconnection	)	CC Docket No. 01-318
Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection and Operator Services and Directory Assistance	)	CC Docket No. 98-56
Deployment of Wireline Services Offering Advanced Telecommunications Capability	)	CC Docket No. 98-147
Petition of Association for Local Telecommunications Services for Declaratory Ruling	)	CC Docket Nos. 98-147, 96-98, 98-141

COMMENTS OF THE FRONTIER AND CITIZENS INCUMBENT LOCAL EXCHANGE CARRIERS

Gregg C. Sayre

Attorney for Frontier Communications

180 South Clinton Avenue
Rochester, New York 14646
(585) 777-7270
gregg_sayre@frontiercorp.com

Date: January 18, 2002

<u>Table of Contents</u>

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Performance Measurements and Standards for Unbundled Network Elements and Interconnection	))	**CC Docket No. 01-318**
	)	
Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection and Operator Services and Directory Assistance	))))	**CC Docket No. 98-56**
	)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability	))	**CC Docket No. 98-147**
	)	
Petition of Association for Local Telecommunications Services for Declaratory Ruling	)))	**CC Docket Nos. 98-147, 96-98, 98-141**

COMMENTS OF THE FRONTIER AND CITIZENS INCUMBENT LOCAL EXCHANGE CARRIERS

Introduction and Summary

The Frontier and Citizens incumbent local exchange carriers ("ILECs") under the common ownership of Citizens Communications Corporation (hereafter, the "Frontier Companies") in response to the Commission's November 19, 2001 Notice of Proposed Rulemaking respectfully submit that the proposed UNE and Interconnection service standards, if adopted at all, should not be applied to small ILECs such as the Frontier Companies. The Frontier Companies believe that imposing such standards on small and mid-sized ILECs would be exceedingly costly and burdensome, that no need has been established for the imposition of UNE metrics and standards on such companies, that the proposal is beyond the jurisdiction of the Commission and that benefits of the metrics and standards, if any, would be far overshadowed by their costs.

I. The Standards Should Not Be Applied To Small Or Mid-Sized ILECs.

The Frontier Companies are a collection of 55 small ILECs, ranging in size from a few thousand access lines to slightly more than ½ million access lines. They are predominantly very small companies in rural areas with minimal competition. They have been acquired over many years by Citizens Communications Company and from company to company their process and systems differ substantially.[1] The Frontier Companies cannot be considered as a unit with respect to this proceeding. Compliance with a new set of service standards would require a very large effort at each individual company.

With one exception, Frontier Telephone of Rochester, Inc., the Frontier Companies do not track or measure the service standards described in the NPRM for wholesale service. Tracking and measuring the standards on an automated basis would be a vast Information Technology undertaking, which would take years to accomplish and the expenditure of no less than several tens of millions of dollars.[2] It is

---

1 As an example, the Frontier Companies use at least six incompatible "legacy" customer records systems, each of which would have to be programmed separately: the AIS system from the former ALLTEL companies; the DPI system for some of the Citizens companies; an incompatible system also based on the DPI platform for some of the Frontier Companies; and one-of-a-kind platforms custom built for the Rochester, Rhinelander and Ogden companies. There are two additional separate systems used for special circuits.

2 Approximately 5 years ago Citizens performed a study of the costs of moving customer records of an acquired company from one system to a new system. The result was $8 per access line. The costs of an automated carrier-to-carrier metric reporting process are likely to be in the same order of magnitude or higher, given that the existing legacy systems are completely inadequate to provide the required data. The result for the Frontier Companies combined would be more than $20 million of costs, and might well be several times that amount.

the Frontier Companies' understanding that the development of Operations Support Systems by each former Bell regional holding company required each such company to spend in excess of $1 billion. Establishing automated systems on behalf of a large number of small ILECs would be an undertaking of a similar magnitude.

State commissions are already fully addressing carrier-to-carrier standards when they are needed. As noted above, the only Frontier Company tracking and measuring carrier-to-carrier service standards is Frontier Telephone of Rochester, Inc. ("FTR"). FTR is already subject to extremely detailed measurement and reporting standards established through a collaborative process before the New York Public Service Commission in Case 97-C-0139. FTR is currently reporting 38 carrier-to-carrier service standards to the NYPSC and is in the collaborative process of agreeing to report 6 more. The negotiation of these standards was a long and difficult process that could not simply adopt the similar measures that Verizon-New York had previously agreed upon, because FTR's systems, data and processes are far different from Verizon's. Both the NYPSC and the CLECs involved in the collaborative process recognized and accommodated these differences, and the result was a different and considerably shorter set of measurements applicable to FTR as compared to Verizon. The results of the NYPSC's collaborative process demonstrate the following:

(1) FTR already has carrier-to-carrier metrics and reporting that are adequate for CLECs and for the regulatory process, and also has a process for these metrics and reports to be changed as may be necessary in the future. There is therefore no need for inconsistent federally-mandated standards that would either require an unnecessary second layer of reporting and costs or require the abandonment of all the carefully

crafted work that has been going on for the last three years in the NYPSC carrier-to-carrier service standards proceeding.

(2) It is impracticable to craft uniform standards and reporting mechanisms to apply to all ILECs. Because of the wide variations among ILECs in their systems, data, and processes, a "one size fits all" plan would be costly to the point of confiscation, because it would require a reworking not only of the ILECs' information technology systems but also of their underlying business processes.

Except for FTR, many of the processes described in the proposed standards do not even exist for the Frontier Companies. Only FTR has an automated OSS Pre-Order Interface. Only FTR sends automated order confirmation notifications, order completion notifications or jeopardy notices. All of these processes are manual with the other Frontier Companies. Some of the Frontier Companies have established web-based interfaces for preorder and order functions, but almost no CLECs have chosen to use them. Only a minute portion of CLEC orders are placed through them. As a result, these systems could not support any kind of mechanized or automated carrier-to-carrier metric data gathering or reporting.

Even with respect to retail customers, most of the Frontier Companies measure only a few of the proposed standards such as customer trouble report rate and missed appointments, and none of the Frontier Companies other than FTR separately measure or report even these few standards for CLECs as opposed to all customers as a whole. The Frontier ILECs believe that it would be manifestly unreasonable to require more reporting and processes for wholesale customers than have ever been found necessary or appropriate for retail customers.

The Frontier Companies are not aware of any widespread CLEC problems or complaints with respect to the service of small and mid-sized ILECs. The Frontier Companies submit that there has been no demonstration of the need for these standards for small and mid-sized companies, which means that there would be no appreciable benefits to compare with what would be enormous costs.

In addition, a "one size fits all" plan would jeopardize retail service quality. If ILECs are required to devote their resources and change their business practices to comply with a sweeping nationwide system of wholesale metrics, they will put at risk the provisioning and maintenance processes that they have developed over the course of more than 100 years to provide excellent service to retail customers.

Finally, it is apparent that the proposed metrics in large part are derived from approval requirements under 47 U.S.C. §271 imposed on the RBOCs as conditions for entry into in-region interLATA markets. These obligations do not have, nor should they have, anything to do with the smaller non-RBOC ILECs. The smaller carriers have far different systems and resources, and lack the economies of scale that the RBOCs can apply to large changes in their operating systems. Moreover, the smaller ILECs are receiving no benefit that is comparable to the ability to enter a large new market that might conceivably justify the enormous resources that are being spent by the RBOCs and that would have to be spent by the small and mid-sized ILECs. The small and mid-sized ILECs would therefore be burdened disproportionately, not only as to the costs incurred but also as to the benefits received.

II. The Commission Does Not Have Jurisdiction To Prescribe These Standards.

Under the Telecommunications Act of 1996, it is up to the state regulatory authorities, not the Commission, to regulate the quality of service provided by ILECs to CLECs. Service standards and reporting are appropriate subjects of interconnection agreements, which pursuant to 47 U.S.C. §252 are either arbitrated or approved by the states. Service standards for intrastate retail services are regulated by the states, not the Commission, and there is no basis or reason for the Commission to prescribe reporting for intrastate wholesale services.

There are strong policy reasons to leave these matters to the states:

(1) It makes little sense for wholesale service metrics to be out of step with retail service metrics. The states have exclusive jurisdiction over intrastate retail service metrics. Only the states are well qualified to determine how to harmonize the two.

(2) As discussed above, measurement capabilities, business processes and information systems vary widely among ILECs, even ILECs under common ownership such as the Frontier Companies. Only the states are well positioned to recognize these differences and tailor any necessary metrics and standards so that they actually work, and to insure that their benefits outweigh their costs.

III. Conclusion

The Frontier Companies submit that the proposed carrier-to-carrier metrics are, at least for the small and mid-sized ILECs, a solution in search of a problem. Where there is already significant competition, the states are addressing the issues, and only the states have jurisdiction over intrastate service metrics. Establishing federal standards would give ILECs the worst of both worlds – partly duplicative but inconsistent federal and state metrics and requirements that may well be impossible to harmonize and that in any event would constitute regulatory overkill. For small and mid-sized companies the wholesale service metrics would be far more burdensome than any retail service metrics that have been imposed over the last 100 years.

No need for the proposed wholesale metrics for small and mid-sized ILECs has been established, let alone any quantification whatsoever of the benefits. The costs would be astronomical, for the Frontier Companies in the tens if not the hundreds of millions of dollars. The resources and changes in business practices required to meet "one size fits all" metrics would jeopardize retail service quality. Such a massive increase in the regulatory burdens on small and mid-sized ILECs would be contrary to the Commission's policy goal of reducing filing, reporting and record-keeping requirements across the telecommunications industry and particularly for small companies.

Respectfully submitted,

Gregg C. Sayre
Associate General Counsel –
Eastern Region
Citizens Communications
180 South Clinton Avenue
Rochester, New York 14646
(585) 777-7270
gregg_sayre@frontiercorp.com

Dated: January 18, 2002